



**Request for City Council Committee Action
From the Department of**

Date: February 11, 2002
To: Ways and Means/Budget Committee
Subject: **Transfer of NRP funds from MCDA to City Planning**

Recommendation

Authorize the City of Minneapolis Planning Department to receive NRP funds in the amount of \$20,000 from the MCDA to manage a consultant contract for the St. Anthony West and Sheridan neighborhoods, and to increase the Planning Department Fund 0600 380 3820 by \$20,000, revenue source 3840-01, contract number C-17438.

Prepared by Fred Neet, AICP, City Planner at 673-3242

Approved by Chuck Ballentine, City Planning Director, at 673-2597

Presenter in Committee Fred Neet, City Planner

Financial Impact (Check those that apply)

☐ No financial impact - or - Action is within current department budget.
(If checked, go directly to Background/Supporting Information)

☐ Action requires an appropriation increase to the Capital Budget

☒ Action requires an appropriation increase to the Operating Budget

☒ Action provides increased revenue for appropriation increase

☐ Action requires use of contingency or reserves

☐ Other financial impact (Explain):

☒ Request provided to the Budget Office when provided to the Committee Coordinator

Community Impact (use any categories that apply)

Neighborhood Notification neighborhoods requests

City Goals #8. Strengthen our city through infrastructure investments

Comprehensive Plan complies

Zoning Code complies

Other

Background/Supporting Information Attached

In 1995 and 1998, respectively, the NRP Policy Board and City Council approved the St. Anthony West Neighborhood and Sheridan Neighborhood Action Plans. Each of these authorized appropriations "for a planning program to redesign Marshall Street:" \$15,000 from St. Anthony West's NRP allocation, \$5,000 from Sheridan's NRP allocation. The Minneapolis Community Development Agency concurs that these appropriations are in accordance with the public purposes and provisions of law.

The City Planning Department agreed in year 2000 to add \$5,000 from internal fund, for a grand total of \$25,000.

The City Planning Department was identified as the contract manager to provide technical assistance, assure compliance with The Minneapolis Plan, and assure that the neighborhoods' interest be satisfied by the consultants.

Attached: NRP Action Plan Funding Agreement
 (St. Anthony West/Sheridan: Marshall Street)

Per 1/23/02

NRP ACTION PLAN FUNDING AGREEMENT

(St. Anthony West/Sheridan: Marshall Street)

THIS AGREEMENT made on or as of the 28 day of December 2001 by and between the CITY OF MINNEAPOLIS, through its DEPARTMENT OF PLANNING (the "City"), and the MINNEAPOLIS COMMUNITY DEVELOPMENT AGENCY (the "Agency"), in furtherance of the MINNEAPOLIS NEIGHBORHOOD REVITALIZATION PROGRAM (the "NRP").

WHEREAS, pursuant to Minnesota Statutes, Section 469.1831, as amended by Laws of Minnesota 1991, Chapter 59, and Chapter 419 of the Minneapolis Code of Ordinances, the City established the NRP to preserve and enhance within the neighborhoods of the City private and public physical infrastructure, public health and safety, economic vitality, the sense of community, and social benefits; and

WHEREAS, the St. Anthony West neighborhood (the "STAWNO Neighborhood"), through a process of neighborhood planning, has prepared an NRP Action Plan dated May 1, 1995 (the "STAWNO Plan"); and

WHEREAS, on May 1, 1995, the NRP's Policy Board ("Policy Board") approved the STAWNO Plan and forwarded its recommendations for final action to the City Council of the City ("Council"); and

WHEREAS, by action published June 3, 1995, the Council on May 26, 1995, took certain actions with respect to the STAWNO Plan, including the appropriation of funds to implement the STAWNO Plan; and

WHEREAS, by action dated May 26, 1995, the Agency's Board of Commissioners ("Agency Board") authorized the execution of necessary contracts for the expenditure of funds consistent with the STAWNO Plan; and

WHEREAS, the Traffic and Streetlights Section of the STAWNO Plan at Goal 3, Objective B, authorizes \$15,000 for a planning program to redesign Marshall Street pursuant to an established purpose of the NRP as set forth in Minnesota Statutes, Section 469.1831, Subdivisions 2 and 5; and

WHEREAS, the Sheridan neighborhood (the "SNO Neighborhood"), through a process of neighborhood planning, has prepared an NRP Action Plan dated October 1997 (the "SNO Plan"); and

WHEREAS, on January 26, 1998, the NRP's Policy Board ("Policy Board") approved the SNO Plan and forwarded its recommendations for final action to the City Council of the City ("Council"); and

WHEREAS, by action published February 28, 1998, the Council on February 20, 1998, took certain actions with respect to the SNO Plan, including the appropriation of funds to implement the SNO Plan; and

WHEREAS, by action dated February 20, 1998, the Agency's Board of Commissioners ("Agency Board") authorized the execution of necessary contracts for the expenditure of funds consistent with the SNO Plan; and

WHEREAS, the Implementation Section of the SNO Plan as modified on April 5, 2001, at Goal 1, Objective A, Strategy 1, authorizes \$5,000 for a planning program to redesign Marshall Street pursuant to an established purpose of the NRP as set forth in Minnesota Statutes, Section 469.1831, Subdivisions 2 and 5; and

WHEREAS, the City, the Policy Board and the Agency believe that this planning program is in the vital and best interests of the City and the health, safety, and welfare of its residents, and in accordance with the public purposes and provisions of the applicable federal, state and local laws and requirements under which the project/program/activity has been undertaken and is being assisted.

NOW, THEREFORE, it is agreed by and between the parties hereto that:

SECTION I. SCOPE OF SERVICES

The City agrees to implement the Marshall Street Redesign Planning Program (the "Planning Program") as described in Exhibit A attached hereto and in compliance with the budget included in Exhibit A and in accordance with the STAWNO Plan and the SNO Plan.

SECTION II. TRANSFER OF NRP FUNDS

NRP funds in an amount not to exceed \$20,000 will be transferred to the City upon submission to the Agency of a request for reimbursement, accompanied by an invoice or accounting documentation (FISCOL Reports) which details the type of expenditure and amount by account code.

The City agrees to maintain detailed records in accordance with required auditing policies to verify the expenditures reported in the FISCOL Reports submitted to the Agency for reimbursement of eligible costs.

The transfer of NRP funds shall not exceed 95% of the total amount of NRP funds available for this Planning Program until the Agency has received approval from the NRP project manager indicating that the City has satisfactorily completed the implementation of the project/program/activity.

The transfer of funds shall be made by an InterGovernmental Payment Voucher.

SECTION III. TIME OF PERFORMANCE

The time of performance of this Agreement shall commence on November 1, 2001, and shall be completed by June 30, 2003.

SECTION IV. PERSONNEL

The City represents that it has engaged or will engage all personnel required to perform the services under this Agreement. The City will enter into an agreement with the Cuningham Group (the "Consultant") to carry out the Planning Program.

Such personnel shall not be employees of or have any contractual relationship as individuals with the Agency. All the services required hereunder shall be performed by the City or persons under its supervision, and all personnel engaged in performing the same shall be fully qualified and authorized or permitted under applicable law to perform such services.

SECTION V. NOTICES

Communication and details concerning this Agreement shall be directed to the following:

Agency:

Robert Cooper
Minneapolis Community Development
Agency
200 Crown Roller Mill
105 Fifth Avenue South
Minneapolis, MN 55401-2534
Phone: (612) 673-5239

Planning Department

Fred Neet
Minneapolis Planning Department
210 City Hall
350 South Fifth Street
Minneapolis, MN 55415
Phone: (612) 673-3242

STAWNO Neighborhood:

Michael Rainville
St. Anthony West Neighborhood Organization
909 Main Street NE
Minneapolis, MN 55413
Phone: (612) 378-8886

SNO Neighborhood:

Andy Nedervald
Sheridan Neighborhood Organization
909 Main Street NE
Minneapolis, MN 55413
Phone: (612) 379-0728

Consultant:

Victor Caliandro
Cunningham Group
201 Main Street SE, Suite 325
Minneapolis, MN 55414
Phone: (612) 379-3400

NRP:

Stacy Sorenson
Neighborhood Revitalization Program
425 Crown Roller Mill
105 Fifth Avenue South
Minneapolis, MN 55401
Phone: (612) 673-5146

SECTION VI. GENERAL CONDITIONS

This Agreement is to be construed and governed by the laws of the State of Minnesota. The City agrees to comply with all applicable federal, state, and local laws and regulations governing the funds provided under this Agreement, and specifically, Minnesota Statutes, Section 469.174 through Section 469.179, as amended, and the Act, as amended.

SECTION VII. INDEMNIFICATION

The City shall hold harmless, defend and indemnify the Agency, the NRP Policy Board and their staff from any and all claims, actions, suits, charges, fines, penalties and judgments whatsoever that in any manner arise out of or relate to the City's negligent acts or omissions arising from the performance or nonperformance of the services or subject matter regarding the project/program/activity as called for in this Agreement, as well as the use of NRP funds.

SECTION VIII. TERMINATION

The Agency, with written approval from the NRP Executive Director, may terminate this Agreement upon failure by the City to cure any default within thirty (30) days after receipt of written notice of default, which shall specify the conditions of default and the actions necessary to cure such default. Upon termination, the Agency shall reimburse the City for all work satisfactorily completed to such date.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first written above.

MINNEAPOLIS COMMUNITY
DEVELOPMENT AGENCY

By Paul J. Linder
Its Director of Administrative Services

NRP office approval:

Robert M. Miller
NRP Director

Approved:

City Department Head

Approved as to form for MCDA:

Mary Winter
Assistant Development Counsel

CITY OF MINNEAPOLIS

By _____
Mayor

Attest _____
City Clerk

Countersigned _____
Assistant Finance Officer

Chris Hatten
Director of City Planning

Approved as to form for City:

J. M. P. A.
Assistant City Attorney

EXHIBIT A

**ST. ANTHONY WEST and SHERIDAN NEIGHBORHOODS
MARSHALL STREET PLAN**

SCOPE OF SERVICES and BUDGET

The City of Minneapolis, through its Planning Department, shall work with the St. Anthony West Neighborhood Organization (STAWNO) and the Sheridan Neighborhood Organization (SNO) to retain the Cuningham Group to develop a plan for Marshall Street Northeast. In no case shall the cost of this activity attributed to NRP exceed \$20,000.00.